

COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
KENT COUNTY COURTHOUSE
DOVER, DELAWARE 19901
PHONE: (302) 739-4618

CHARLES W. WELCH, III
JUDGE

May 3, 2010

Patrick Scanlon, Esq.
203 N.E. Front Street, Suite 101
Milford, DE 19963

Charles F. Shorts, Jr.
124 Palmer Road
Dover, DE 19901

RE: Louis and Sallie Dill v. Dr. Apostle Patricia A. Hercules
C.A. No.: CPU5-09-002797

Decision on Plaintiffs' Motion for Entry of Judgment by Default and Motion to
Strike Answer, and Defendant's Motion to Dismiss

Dear Mr. Scanlon and Mr. Shorts:

Our court is in receipt of the Motion for Entry of Judgment by Default and
Motion to Strike Answer filed by Louis and Sallie Dill ("Plaintiffs"), and the Motion to
Dismiss filed by Charles F. Shorts, Jr., Attorney-in-Fact for Dr. Apostle Patricia A.
Hercules ("Defendant").

It is established law in Delaware that a natural person may represent himself or
herself in court, even though they may not be an attorney. *See Transpolymer Industries,
Inc. v. Chapel Main Corp.*, 582 A.2d 936 (Del. 1990). However, a non-lawyer attorney-
in-fact is precluded from filing papers and pursuing court proceedings on behalf of a
principal. *Snyder v. Martin*, 820 A.2d 390, 393 (Del. Fam. Ct. 2001) (citing *In re Arons*,
756 A.2d 867, 874 (Del. 2000)). A lay person may not assume the role of an attorney at
law "under the guise of a document which makes that lay person an attorney-in-fact." *Id.*

Mr. Shorts' representation of the defendant in this matter constitutes the
unauthorized practice of law. If the defendant is incompetent to represent herself in these
proceedings, a Delaware-licensed attorney must be retained to represent her. Because
Mr. Shorts filed the Answer on the defendant's behalf, Plaintiffs' Motion to Strike
Defendant's Answer is granted. Defendant's Motion to Dismiss is stricken on the same
grounds.

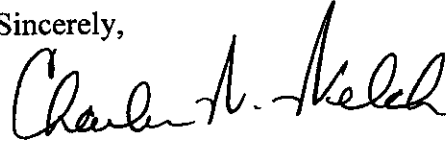
The Court would like to give the defendant an opportunity to retain an attorney to
represent her in this matter. Therefore, Plaintiffs' Motion for Entry of Default Judgment
is denied. The defendant has thirty days from the date of this letter to retain an attorney

Patrick Scanlon, Esq.
Mr. Charles F. Shorts, Jr.
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licensed to practice law in the State of Delaware and have them file an Answer on her behalf. Otherwise, a default judgment may be entered.

IT IS SO ORDERED.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Welch, III". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles W. Welch, III

CWW:mek